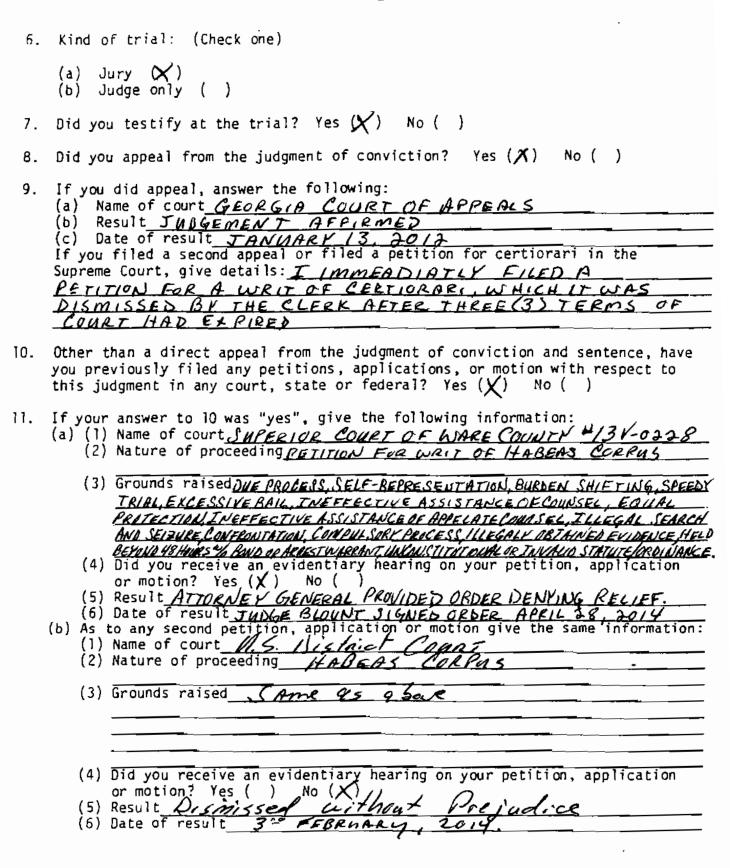
PETITION FOR WRIT OF HABEAS CORPUS UNOER 2B U.S.C. § 2254

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA FILED IN CLERK'S OFFICE U.S.D.C. Allanta

DEC - 8 20'4

	NEC - 0
K	ARON LEIGH OBEGINSKI
4	± 1000357597
_	
	TELFAIR STATE PRISON
21/ Na	o LONGBRIDGE Rd. Helena GA. 31037, PETITIONER me (Include name under which you were
C O	nvicted), Prison Number, and Place of nfinement 1:14-CV-3909
Nai au	ne of Warden, Superintendent, Jailor, or thorized person having custody of petitioner
Atı	RYAN KNOB , ADDITIONAL RESPONDENT torney General of the State of Georgia
	<u>PETITION</u>
l.	Name and location of court which entered the judgment of conviction under attack SUPERIOR COURT OF NEWTON COUNTY
2.	Date of judgment of conviction MAY 12, 2010
3.	Length of sentence LIFE, 20 yrs Sentencing judge JOHN OTT
١.	Nature of offense or offenses for which you were convicted: CHILD MACECTATION ALCHSOTION BY MOTHER DE MY DAUGHTER.
5.	What was your plea? (Check one) (a) Not guilty (X) (b) Guilty () (c) Nolo contendere () If you entered a guilty plea to one count or indictment, and a not guilty plea to another count or indictment, give details:



	(2) Nature of proceeding(3) Grounds raised
	(4) Did you receive an evidentiary hearing on your petition, application or motion? Yes () No ()
(d)	(5) Result (6) Date of result Did you appeal to the highest state court having jurisdiction the result of any action taken on any petition, application or motion:
(a)	 First petition, etc. Yes (**) No () Second petition, etc. Yes () No () Third petition, etc. Yes () No () If you did not appeal from the adverse action on any petition, application,
(6)	or motion, explain briefly why you did not:

12. State <u>concisely</u> every ground on which you claim that you are being held unlawfully. Summarize briefly the <u>facts</u> supporting each ground.

CAUTION: In order to proceed in the federal court, you must ordinarily first exhaust your state court remedies as to each ground on which you request action by the federal court. As to all grounds on which you have previously exhausted state court remedies, you should set them forth in this petition if you wish to seek federal relief. If you fail to set forth all such grounds in this petition, you may be barred from presenting them at a later date.

For your information, the following is a list of the most frequently raised grounds for relief in habeas corpus proceedings. Each statement preceded by a letter constitutes a separate ground for possible relief. You may raise any grounds which you may have other than those listed if you have exhausted all your state court remedies with respect to them. However, you should raise in this petition all available grounds (relating to this conviction) on which you base your allegations that you are being held in custody unlawfully.

If you select one or more of these grounds for relief, you must allege facts in support of the ground or grounds which you choose. Do not check any of the grounds listed below. The petition will be returned to you if you merely check (a) through (j) or any one of these grounds.

(a) Conviction obtained by plea of guilty which was unlawfully induced or not made voluntarily with understanding of the nature of the charge and the consequences of the plea.

(b) Conviction obtained by use of coerced confession.

- (c) Conviction obtained by use of evidence gained pursuant to an unconstitutional search and seizure, (where the state has not provided a full and fair hearing on the merits of the Fourth Amendment claim).
- (d) Conviction obtained by use of evidence obtained pursuant to an unlawful arrest, (where the state has not provided a full and fair hearing on the merits of the Fourth Amendment claim).
- (e) Conviction obtained by a violation of the privilege against selfincrimination.
- (f) Conviction obtained by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defendant.
- (g) Conviction obtained by a violation of the protection against double jeopardy.
- (h) Conviction obtained by action of a grand or petit jury which was unconstitutionally selected and impaneled.
- Denial of effective assistance of counsel.
- (j) Denial of right of appeal.

A. Ground one: DUE PROCESS 1/10LATION

Supporting FACTS (tell your story briefly without citing cases or law):

WARRANT LESS ARREST + TELD BEYOND 48 HOURS
WITHOUT BOND HEARING, BURDEN SHIFTING JURY INSTRUCTIONS
PERTURED WITNESS USED AT GRAN JURY HEARING, DENIED
RIGHT OF SELF-REPRESENTATION AND STATE SUPPLIED
COUNSEL APPOINTED, EVEN THOUGH I CLEARLY REFUSED
JUDGE DETERMINED ATTORNEY-CLIENT RELATIONSHIP.
DEPRIVED OF LIBERTY AND PROPERTY, DENIED RIGHT
TO OFFER DEFENSE, HELD IN SEGREGATION
WITHOUT A HEARENG OR EVEN ANY CHARGES / VALID
REASON FOR 7+ MONTHS PRIOR TO TRIAL IN ORDER
FOR STATE TO GAIN AN ADVANTAGE, DENIED
EVIDENTIARY HEARING, AND RULINGON MOTION TO SUPPRESS
STATE FABRICATED EVIDENCE AT ARREST WARRANT HEARING.
HELD NOVEMBER 14, 2014.

B. Ground two: SPEEDY TRIAL VIOLATION

Supporting FACTS (tell your story briefly without citing cases or law):
IMMEADIATLY REQUESTED A SPEEDY TRIAL AND
WHEN COURT APPOINTED COUNSEL REFUSED TO ASSIST
ME, I FILED MY OWN SPEEDY TRIAL MOTION OF
WHICH THE COURT DENIED, HELD IN JAIL FOR FIVES
CONSECUTIVE TERMS OF COURT, IN HOSTIZE AND PUNITIVE CONDITIONS, IN ITH NO ACCESS TO THE COURTS, NO BOND SET, FOR WELL OVER A YEAR.
PUNITIVE CONDITIONS, WITH NO ACCESS TO THE
COURTS, NO ISOND SET, FOR WELL OVER A YEAR.

LEAD L OATH OATH ON N SWORE COMMO OF B NOT I ALL P MISLE ATTE MONT SWEA IHAD P LONGER TOUND FOR UNDER LAIMS SINGLE SINGLE	NIESTI HE OB OVEMB OVEMB INTIMA NOTE NOTE AN THE ROBAB LIVED OF FACTS APPE CRIPT SAME STHER	GATOR TAINE TAINE ER 19 ER 0A TO PER TY AL TY AL TY AL TO TO TER TO TO TER TO	CHRI JOSE JOSE SEAR JEW, SEAR JON OF JON OF JO	STOPHI BRCH Y, AT I HAT TH SUA VIOLA INGE HE SA CH AN TH IN O SEAL FEFI SIGNE THISIT THI	ER MARK WARRAG AN ARRI ERE IS SEQU NO EN NO EN ERRCH AN AF ECH A K I NO LO FECT I FLY without I OUSLY	HEGW NT AT NO SE ENTLA ENTLA ENTLA ENTLA ENTLA WARR FOR HA WE PAGE UT CITION WORKEL WORKEL	MY TRI ARRANT FARCH IN AREA THAT ECURI VEST IN ANT OF PROMITE POSSES SSIST AL G COUNT OF COUNT	JORN UND AL, AND HEARING WARRANT S SEARCHS WE (1) WE (1) K, HAT I NO HAT I NO
LEAD L OATH OATH ON N SWORE COMMO OF B NOT I ALL P MISLE ATTE MONT SWEA IHAD P LONGER TOUND FOR UNDER LAIMS SINGLE SINGLE	NIESTI HE OB OVEMB OVEMB INTIMA NOTE NOTE AN THE ROBAB LIVED OF FACTS APPE CRIPT SAME STHER	GATOR TAINE TAINE ER 19 ER 0A TO PER TY AL TY AL TY AL TO TO TER TO TO TER TO	CHRI JOSE JOSE SEAR JEW, SEAR JON OF JON OF JO	STOPHI BRCH Y, AT I HAT TH SUA VIOLA INGE HE SA CH AN TH IN O SEAL FEFI SIGNE THISIT THI	ER MARK WARRAG AN ARRI ERE IS SEQU NO EN NO EN ERRCH AN AF ECH A K I NO LO FECT I FLY without I OUSLY	HEGW NT AT NO SE ENTLA ENTLA ENTLA ENTLA ENTLA WARR FOR HA WE PAGE UT CITION WORKEL WORKEL	ARRANT ARRANT ARRANT ARRANT ARRANT ARRANT ARRANT OFECULAR	JORN UND JAL, AND HEARING WARRANT S SEARCHE WE (1) WE (1) K, HAT I NO JON OF, HAT I NO JON OF, T HE HAT I NO JON OF, T I W): SEL TO SE TRIAL WE (2)
OATH ON N SWORD OF BO NOT D ALL P MISLE ATTE MONT SWEA THAD P LONGER TOUND FOR INTERN SINGLE SINGLE SINGLE SINGLE	HE OB EVEMBE LIVED TH AND PLE ROPER AND TEN ROBABA LIVED CO G FACTS APPE CRIPT. SAME STHER	TAINER 19 ER 19 ER 19 IG PER IY RES IY RES IN Y TY, AI TY, AI TY, AI TO TER IN AT, AI OLATI UNSE (tell y IN OT FOLIA SONA ECAUS TO FOLIA TO	THE THE STARY SINEN IS EAR OF THE STARY ON	ARCH H, AT I HAT TH SUA VIOLA INGE HE SA HE	WARRAGE AND ARRIVERE IS SEQUENCE OF LEAR ATED IN ATED	NT AT IN SECTION IN SE	MY TRI ARRANT FARCH IN AREA THAT ECURI VEST IN ANT OF PROMITE POSSES SSIST AL G COUNT OF COUNT	AL, AND HEARING WARRANT S SEARCHS WERE TY OF GATOR NE (1) K, HAT I NO ION OF. TANCE OF TOWN: SEL TO OSE TRIAL WCT OF
ON NOT PORT OF BE ATTER MONT SWEAL PROPERTY OF THE PROPERTY OF	UEMBE UNDE LITH OF N PLE ROPER H AE ROBABA LIVED G FACTS COLOR COLOR COLOR	ER 14 ER 1A IG PER IY RES IN Y TY, AI IE TO TER IN AT A	LOND OF HOUT TO	HAT THE SUBJECT OF SEAL STATE	AND ARRIVERE IS SEQUITED IN NIDENCE PRECH A FARA AND AF PLAND AR FECT I FIY WITHO D CON IG WITH COUNS	EST WI NO SE ENTLE ENTLE SE IBTA WARR FIRE NOTE HA WE A OF LICT WE AL WORKEL	ARRANT AREA THAT ECHRI ECHRI ECHRI ECHRI ENTO ERWONT	HEARING WARRANT S SEARCHE WERE TY OF WE (1) K, HAT I NO ION OF. TANCE OF TOWN: SEL TO ISE TRIAL
SWORD COMMON TO BE ATTER MISLE ATTER MONT SWER HONGER TUDGE SVBMIT TRANS INTER UNDER SINGLE	E UNDER ITH M N PLE ROPER AS TE ROBAB LIVED G FACTS APPE CRIPT SAME THER	ER DAY REALY REALY TY, ALL TY, ALL TER LE CA AT, ALL VINSE (tell y NOTE OLD TO TER OLD TER TER TER TER TER TER TER TE	TH THE STURY SINEN	HE SALLED SEALUS BY DIES SIGNE	ERE IS SEQUI ATED I VIDENCE ME LEI ME LEI AN AF 2CH A K I NO LO FECT I Fly witho D CON IG WITH COUNS	NO SE ENTLA ENTLA ALL SI ENTED WARR FLOAV ENTED WE HA UT CITION WE AL WE HA WE AL WORKEL	AREA AREA THAT ECURLI INED T VEST IN ROOM T PROSSES SSIST AL G COUNT OF COU	WARRANT S. SEARCHE WERE TY OF CATOR NE (1) K, THE HAT I NO ION OF. TON OF. OF TON ION OF. OF TON SEL TON ION OF
COMO OF BO NOT D ALL P MISLE ATTEO MONT SWEA 14AD P LONGER round for upporting TIND 61 SVBM 11 TRANS INTERE UNDER SINGLE	TH MEROPER AD THE ROBABLIVED G FACTS APPE CRIPTS SAME STHER	TER CALATIONS TO CHAIN SE CALATION SE CALA	SINEY SINEW SINEW ND US SEAR SEAR USE T UD A V ON O OUT STO T A S HOUT OF Y. COM SE SHE SE'ST	LA L	SEQUING WITH	ENTLA ENICAL ALL SI ENTAR AD IN WARR FIDAV ENTED NGER HA VE A PPE Ut citin FLICT ME, AI WORKE	AREA THAT ECURI INED T VEST IN ANT OF PERCUAR THA ROOM T POSSES SSIST AL G COUNT OF COUNT OF COUNT OF COUNT OF COUNT OF COUNT	SEARCHE WERE TY OF OF CATOR NE(1) K, THE HATINO ION OF. TANCE OF LAW): SEL TO ISE TRIAL
OF BINGT IN ALL PROPERTY OF BUSINESS IN ALL PROPERTY OF BU	TH MEROPER AN THE RINGE ROBAB. LIVED G FACTS APPER CRIPT. SAME THER	TER LATINGE (TELL WILL SONG SECAUSE OFFICE	SINEND ISON DUST AS THOUT TO ASTER SHE	LE ALLIA	ATED IN ATED IN ATED IN A EARCH A REAL ARCH A REAL ARC	EHICAL GE BTA GE BTA WARR GE PAGE FLICT GEL HAL WORKEL WORKEL	THAT ECHRIC LINED T VESTIC RANT OF PERCLAR ROOM T PO POSSES SS 15T AL 9 cases of COUNTY O AS PRO	WERE TY OF CATOR NE(1) K, THE HAT I NO ION OF. TAW: SEL TO ISE TRIAL ICT OF OSECUTOR
NOT PALL POLICE	N PLE ROPER AN TE MPT E H A E ROBAB LIVED UT: V(G FACTS APPE CRIPT, SAME STHER	TER LE CA AT, AT (tell y (tell y NOTE (TER) (TER	IEW, NO US REARINGE TO VOLUME STORY OUT STORY FOR SHE E'ST	LIGHE SALLED SEAL SEAL SEAL SEAL SEAL SEAL SEAL SEAL	ATED OF LEAR OF LEAR AN AFERLA AN AF	ALL SI E BTA AD IN WARR E PAR EIDAV PENTEP NGER HA UT CITION TELICT ME AL WORKEL	ECHRICARIA VESTICARIA PERLIAR ROCAT ROCAT SSIST AL G cases of COUNTY NOTO U	CATOR CATOR NE(1) K, HAT I NO ION OF. TANCE IT law): SEL TO ISE TRIAL ICT OF OCCUTOR
ALL P MISLE ATTE MONT SWEA HAD P LONGER round for upportin TND 61 SVBM 11 TRANS INTERI VNDER LAIMS	POPER AN THE ANTE IN A F ROBABO LIVED G FACTS APPE CRIPTS SAME THER	TER STONE AT	NO US RY. TO BEAR SEAR USE TO USE TO OUT STO TOUT STO Y. COM ESTE	ING E HE SA HE SA CH AN TH IN O SEA CHICLE THICLE THIC	LIBENCE ME LEA EARCH AN AF AN AF CH A R I NO LO FECT I FLY without the CONTRACTOR OF THE COUNTY	E BTA PD IN WARR E PA EIDAV ENTED NGER HA UF A PPE Ut citin FLICT ME, AI WORKEL	SSIST COULD COUFL	FATOR NE(1) K, HAT I NO NON OF. TANCE OF TAWN: SEL TO NOSE TRIAL NOT OF
MISLE ATTER MONT SWEA 1140 P LONGER round for upportin TND 61 SVBM 11 TRANS INTER UNDER LAIMS	AN THER	TER LATION OF CAUSE	RY. TO SEAR SEAR USE TO USE TO USE TO YOU' STO TOUT STO YOU' STO YO	HE SAL CH AN TH IN O SEAL EHICLE Y DIR ORY BRIE! SIGNE TALKIN ANDARD	MELEN ERRCH A FARA AN AF CH A R I NO LO FECT (Fly witho D CON IG WITH COUNS	AD IN WARR E PAR EIDAV ENTED NGER HA VE A PRE Ut citin FLICT ME, AI WORKE	SSIST COUNT COUFL	CATOR NE(1) K, HAT I NO ION OF. TANCE OF TANO: SEL TO ISE TRIAL
ATTER MONT SWEA JAD P LONGER round for upporting TUDG! SVBMII TRANS INTER UNDER SINGLE	H AF RING ROBAB LIVED G FACTS APPE CRIPT SAME THER	TER LANDE LE CA AT, AN OLATI VNSE (tell y IN OT AL WIT S ONL ECAUSE	SEAR SEAR WSET WO A-V YOU ON YOU	CH ANDARD	EARCH A FARA AN AF PCH A R I NO LO FECT! Fly witho D CON JG WITH COUNS	WARRED PAR ENTED NOTE HA VE A PRE Ut citin FLICT ME A WORKE	SANT OF PROPERTY OF STATE OF S	NE(1) K, HAT I NO ION OF. TANCE IT law): SEL TO ISE TRIAL ISE TO F OSECUTOR
SWEA HAD P LONGER round for upportin INDGI SUBMIT TRANS INTERI UNDER LAIMS	RING ROBAB LIVED UT: VI CO G FACTS TOF APPE CRIPT. SAME STHER	HADE AT, AT OLATI ONSE (tell y ON OT ON WITH SONL OFFICE OFFIC	USET UD A V OUT STO T A S HOUT T Y. COM E SHE	TH IN O SEAL EHICLE O TO IR ORY Driet SIGNE TALKIN TALKIN TALKIN TALKIN TALKIN	AN AF CH A R I NO LO FECT I Fly witho D CON IG WITH COUNS	CLOAVI ENTED NGER HA APPE Ut citin FLICT ME, AI WORKEI	SSIST COUNT CO	HAT I NO ION OF. TANCE OF TOWN: SEL TO ISE TRIAL
SWEA HAD P LONGER round for upportin INDGI SUBMIT TRANS INTERI UNDER LAIMS	RING ROBAB LIVED UT: VI CO G FACTS TOF APPE CRIPT. SAME STHER	HADE AT, AT OLATI ONSE (tell y ON OT ON WITH SONL OFFICE OFFIC	USET UD A V OUT STO T A S HOUT T Y. COM E SHE	TH IN O SEAL EHICLE O TO IR ORY Driet SIGNE TALKIN TALKIN TALKIN TALKIN TALKIN	AN AF CH A R I NO LO FECT I Fly witho D CON IG WITH COUNS	CLOAVI ENTED NGER HA APPE Ut citin FLICT ME, AI WORKEI	SSIST COUNT CO	HAT I NO ION OF. TANCE OF TOWN: SEL TO ISE TRIAL
round for open time to the terms of the term	LIVED UT: VI CO G FACTS APPE CRIPT. SAME THER	AT, AM OLATI ONSE (tell y NOT ONL SONL CONSE OFFICE	ON A V ON O Our sto T A S HOUT T V. COM SE SHE	FEFINIE FEFINITY Dried SIGNE TALKIN NELICT ANBARD	FECT! FECT! Fly witho D CON D WITH COUNS	NGER HA VE A A PPE, ut citin FLICT I ME, A WORKEL	SSIST AZ g cases of COUN. NO TO U SCONFLIO AS PRO	TON OF. ANCE IT law): SEL TO ISE TRIAL ICT OF OSECUTOR
round for OF upporting NO 64 SVBM 11 TRANS NTERE UNDER SINGLE	G FACTS APPE CRIPT SAME THER	OLATIVISE (tell y (N OT AL WIT S ONL ECAUS	ON O Cour sto T AS HOUT T Y. CON E SHE	F EFI / /> /R bry brief SIGNE TALKIN VFLICT TREV ANDARD	FECT I FOR WITHO D CON D WITH COUNS	VE A APPE ut citin FLICT ME, A WORKE	SSIST AL g cases of COUN. NO TO U CONFLI	TANCE IT law): SEL TO ISE TRIAL ICT OF OSECUTOR
upporting SUBMIT TRANS INTERI UNDER SINGLE	G FACTS APPE CRIPT. ST. B STHER	(tell y (tell y (N OT PL WIT S ONL ECAUS	our stor AS HOUT TO KE SHE E'ST	TALKIN FREVE AND AREA TALKIN TALKIN TALKIN TALKIN TALKIN TANDARA	Fly witho D CON D WITH COUNS	Ut citing FLICT ME, AL	g cases of COUN. SO TO U. CONFLIDATO PRO	or law): SEL TO ISE TRIAL ICT O F OSECUTOR
upporting SUBMIT TRANS INTERI UNDER SINGLE	G FACTS APPE CRIPT. ST. B STHER	(tell y (tell y (N OT PL WIT S ONL ECAUS	our stor AS HOUT TO KE SHE E'ST	TALKIN FREVE AND AREA TALKIN TALKIN TALKIN TALKIN TALKIN TANDARA	Fly witho D CON D WITH COUNS	Ut citing FLICT ME, AL	g cases of COUN. SO TO U. CONFLIDATO PRO	or law): SEL TO ISE TRIAL ICT O F OSECUTOR
upportin TUDGI SUBMII TRANS INTERI UNDER (LAIM: SINGIR	G FACTS APPE CRIPT ST. B SAME THER	(tell y IN OT PL WIT S ONL ECAUS	our sto T AS HOUT I V. CON E SHE	ory brief SIGNE TALKIN VFLICT PREV ANDARD	Fly witho D CON 16 WITH COUNS (10US LY)	ut citin FLICT ME, AI WORKEI	g cases of COUN. NO TO U S CONFLI DAS PRO	SEL TO ISE TRIAL ICT OF ISECUTOR
TND 61 SUBMIT TRANS INTERI UNDER LAIM: SINGLE	APPE CRIPT. ST. B SAME	AL WITS ONL	T AS HOUT T Y. CON E SHE	SIGNE TALKIN VELICT PREV ANDARD	CON COUNS COUSLY	FLICT ME, AL WORKE	COUN.	SEL TO ISE TRIAL ICT OF ISECUTOR
SUBM IT TRANS INTERI UNDER LAIM: SINGLE	APPE CRIPTS ST. B. SAME THER	AL WIT S ONL ECAUS OFFIC	HOUT T Y. CON E SHE	TALKIN VFLICT PREV ANDARD	COUNTS COUSLY	ME ALL WORKE	OD TO U	SE TRIAL
TRANS INTERI UNDER LAIM: SINGJE	CRIPT. ST.B. SAME	S ONL ECAUS OFFIC	Y. CON ESHE	VFLICT PREV ANDARD	COUNS	EL HAL WORKEL	CONFL	CT O F
NTERI UNDER LAIM: SINGLE	SAME	ECAUS	E'SHE	ANDARD	10USLY	WORKE	AS PRO	SECUTOR
UNDER LAIM: SINGLE	SAME	OFFIC	E'ST	ANDARD	A COE	ALATE	Z AS PKO	SECUTOR
CLAIM: SINGLE	THER	E IS A	LFGAL	TOPHED				
SINGLE	1.78K	6 /s) A :	L-C		1.17 44	A COLL	COUNTE	7. 37126
SIN WILL	CIBIN	2 7447	TA	CKEN P	150 0	<	=D 1-0 .S	
, , , , , , , , ,	VESTIA	CATE	RVIAL	15 .57-4	TE AND	O FENE	PALLA	VIOLATION
V 416E	PURS	III	CLEA	RIVI	LIFAVE.	0 1551	VEC. NO	PEALATE
OUNS	-/ BE	CAME	ANE	FFECT	IVE TO	OIDE	THE	TATE TO
								T'S ERROR.
STATE	HAB	EAS C	ORPUS	HEAL	PING CO	NFIRM	STHAT	APPELATE
OUNSE	4 15	A PER	SON	WITHOL	UT CON.	SCIENC	E OR I	MORALS.
FUENT	BEER	DINC	MAKE	110+14	16 TECTI	MARIU	OF HED AD	161 A mile
ROUNDS	FIVE -	······································	Ne ON	REVE	RSE OF	THIS I	PAGE @)
oi rue	grounds	112 ceá	IN 12M,	,o,c, an	a v were	not prev	riously pr	resented in
							s were no	ot so
ited, and	give y	our reas	ions for	r not pro	ese nt ing	them:		
_				-			·	
					 -			
							 _	
							·	
	STATE OUNSE VEN/ ROUNDS of the ther cour	STATE HAB OUNSEL IS EVEN OFFE OUNDS FIVE — of the grounds ther court, stat	STATE HABERS COUNSEL IS A PER EVEAL OFFERING ROUNDS FIVE NI of the grounds listed ther court, state or fed	STATE HABEAS CORPUS OUNSEL IS A PERSON EVEAL OFFERING CONF COUNDS FIVE NINE ON of the grounds listed in 12A ther court, state or federal,	STATE HABERS CORPUS HEAD OUNSEL IS A PERSON WITHOUT OFFERING CONFLICTING CONFLICTING ON REVENOF the grounds listed in 12A,B,C, and ther court, state or federal, state br	STATE HABERS CORPUS HEARING CO OUNSEL IS A PERSON WITHOUT CON EVEN OFFERING CONFLICTING TESTI COUNDS FIVE - NINE ON REVERSE OF of the grounds listed in 12A,B,C, and D were ther court, state or federal, state briefly what	STATE HABERS CORPUS HEARING CONFIRM OUNSEL IS A PERSON WITHOUT CONSCIENCE EVEN OFFERING CONFLICTING TESTIMONING COUNDS FIVE - NINE ON REVERSE OF THIS I Of the grounds listed in 12A,B,C, and D were not prev	STATE HABEAS CORPUS HEARING CONFIRMS THAT OUNSEL IS A PERSON WITHOUT CONSCIENCE OR A EVERY OFFER ING CONFLICTING TESTIMONY OF HER OFFICE OF THIS PAGE OF THE OUNDS FIVE -> NINE ON REVERSE OF THIS PAGE OF THE OUNDS PRODUCTION OF THE OUNTER OUT OF THE OUT OF THE OUT

Case 1:14-cv-03909-ELR Document 1 Filed 12/08/14 Page 6 of 13
E. GROUND FIVE: VIOLATION OF RIGHT TO CONFRONTATION
FACT - TRIAL COUNSEL CLAIMED I HAD NO RIGHT TO
CONFRONT MY ACCUSER, AND THAT SHE ALONE DETERMINED
WHETHER TO CROSS-EXAMINE THE ALLEDGED VICTUM, OF
WHOM WOULD HAVE VINDICATED THE ALLEGATIONS AGAINST ME.
<u> </u>
F. GROUND SIX: VIOLATION OF EFFECTIVE ASSISTANCE OF TRIAL COUNSEL
FACT - TRIAL COUNSEL WITH HELD KNOWLEDGE OF
UNSIGNED WARRANT, AND ALLOWED PERTURED TESTIMONY
AGAINST ME, TRIAL COUNSEL BLOCKED PETITIONER'S RIGHT
TO ENJOY A COMPULSORY PROCESS FOR OBTAINING
WITNESSES IN MY FAVOR, AND INSTEAD LISTED PEOPLE
IN HER OFFICE, APPARENTLY, AS MY WITNESSES, AND CALLING
NONE OF THEM TO TESTIFY DURING MY TRIAL REFUSED TO FILE
SPEEDY TRIAL AND MOTION TO SUPPRESS TO ASSIST ME.
C 000 C / 1:1/01/00/V TITUTE 10 TILL/0
G. GROUND SEVEN: UNCONSTITUTIONAL OR INVALID STATUTE OR
ORDINANCE DEFINING THE OFFENSE
FACT - ONE (1) WITNESS IS INSUFFICIENT (HERESAY AND)
H. GROUND EIGHT: VIOLATION OF EXCESSIVE BAIL
The Automation of the Automati

FACT - BOND HEARING OFFERED NO BOND, WHICH IS INFINITE.

FACT - MY EXWIFE ENTERED MY HOME AND VEHICLE

WERE PRESENT SECURING SCENE.

STEALING FAMILY HEIR LOOMS, WHILE OFFICERS

I. GROUND NINE: VIOLATION OF EQUAL PROTECTION OF THE LAWS.

15.	. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein:
	(a) At preliminary hearing ERICA ARENA-CAMARICCO
	(b) At arraignment and plea BERT HOPKINS
	(c) At trial TERI SMITH (GA. BAR # 1663665)
	(d) At sentencing TERI SMITH (GA. BAR # 663665)
	(e) On appeal AMANDA FLORA (GA. BAR + 14/330)
	(f) In any post-conviction proceeding PRo-SE
	(g) On appeal from any adverse ruling in a post-conviction proceeding PRO-SE
16.	Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at the same time? Yes (*\times) No ()
17.	
	(b) And give date and length of sentence to be served in future:
	(c) Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed the sentence to be served in the future?Yes () No ()
	Wherefore, petitioner prays that the court grant petitioner relief to which he may be entitled in this proceeding.
	I declare under penalty of perjury that the foregoing is true and correct.
	Executed on $\frac{12-4-14}{\text{(date)}}$
	signature de la companya della compa

Signature of Attorney (if any)

1	IN THE SUPERIOR COURT FOR THE COUNTY OF NEWTON
2	STATE OF GEORGIA
3	
4	
5	STATE OF GEORGIA,)
6	vs.) 2009-CR-554-2
7	AARON OBEGINSKI)
8	m l l l l
9	Motion Status Learny
10	
11	The above-entitled matter came on for
12	hearing before the Honorable John M. Ott,
13	Judge, Alcovy Judicial Circuit, commencing on
14	the 15th day of September, 2009.
15	. ************************************
16	PAGE PAGE
17	MAR -2 AM 10: 5 THAR -2 AM 10: 5 THAR -2 AM 10: 5 THAR -2 AM 10: 5
18	NAVS 2 SERVICES
19	
20	APPEARANCES OF COUNSEL:
21	For the State: MELANIE BELL, A.D.A.
22	For the Defendant: BERT HOPKINS, Asst. Public Defender
23	
24 25	Denied; - Speedy Trial Motton
25	
	- Sypression of evidence Whatier

Page 1/6

ナかられ

MS. BELL: I call number 38 on the Court's calendar, the State versus Aaron Obeginski. This will be for an announcement of ready for trial.

Your Honor, Mr. Obeginski is before the Court on case number 2009-CR-554-2 charging him with aggravated child molestation and two counts of child molestation.

He is standing here today with Mr. Albert Hopkins of the public defender's office. He is represented by Ms. Terri Smith of their office, who is not able to be here today.

It's my understanding -- well, the State has complied with all discovery. There are no motions and we are announcing ready for trial.

There was one issue. The defendant filed his own speedy trial -- or attempted to file his own speedy trial demand, which obviously the Court is not required to recognize because he's represented by counsel. I have spoken with Ms. Smith previously. It's my understanding that she explained to the defendant that it was her opinion that a speedy trial demand was not in his best interest.

THE COURT: Well, let's first deal with the issue.

As long as you have an attorney you can't file motions on your own. Is that clear to you?

THE DEFENDANT: (Nods head affirmatively.)

1 THE COURT: You nodded your head yes, but the record 2 won't show that. You've got to say something out loud. THE DEFENDANT: 3 Yes. THE COURT: So, number one, we don't even have to 4 5 address the motion whether it's worthy or not worthy, the motion he filed, because he had counsel at the time. 6 7 MS. BELL: Yes, sir. THE COURT: Now, I am being told it wasn't in your 8 best interest to file a motion for speedy trial, but 9 that's solely within your discretion. If you want to 10 file one, you just instruct your attorney through Mr. 11 Hopkins that you want to file one and order that he file 12 13 Do you understand me clearly about that? THE DEFENDANT: Yes. 14 THE COURT: And you understand you have that right? 15 THE DEFENDANT: Yes. 16 THE COURT: And, Mr. Hopkins, do you understand if 17 he orders you to file a motion for speedy trial --18 19 MR. HOPKINS: Absolutely. 20 THE COURT: -- then your office has to file the 21 motion for speedy trial? 22 MR. HOPKINS: Yes, sir. THE COURT: Regardless of whether it's in his best 23 interest of not, because he controls the case and he 24 25 controls how the case --

I verbally instructed Mr. 3/6
Hopkins to file 'speedy trial" motion
on my behalf, and followed up by also
writing terr Smith (See exclused)

1 MR. HOPKINS: Certainly. 2 THE COURT: But y'all's job is simply inform him of 3 the danger and all of the various options and then he has 4 to make the choice that he's going to live by, because 5 I'm not going to listen years later down the road about 6 how he claims that y'all didn't follow his instructions 7 and, you know, y'all all know what goes on with those habeases. 9 So we are all set for trial at this time? Yes, sir. 10 MS. BELL: 11 MR. HOPKINS: We are. 12 I would like to put on the record, Judge, MS. BELL: this is a charge for which the State can seek life in 13 14 prison and given the age of the victim in the case, the 15 facts of the case, the State will seek life at trial. THE COURT: Do you understand that clearly, Mr. 16 17 Obeginski? 18 THE DEFENDANT: Yes. 19 THE COURT: They have the ability and the discretion 20 from their angle to seek life in confinement. Now, is that as a recidivist without parole or is 21 22 that with parole? 23 MS. BELL: It would be with parole. THE COURT: With parole. 24

MS. BELL: He would have to serve the 30 years

25

1 before being eligible. 2 THE COURT: Okay. So it's all clear. She is saying 3 the law is written -- claims or states that you have to serve at least 30 years without parole before you would 4 5 be eligible for parole. So are you clear about that? THE DEFENDANT: Yes. 6 7 THE COURT: Now, this is the last day for a 8 negotiated plea. Do you understand what a negotiated 9 plea is? 10 THE DEFENDANT: Yes. THE COURT: After today's date if a jury convicts 11 you or you decide to plead guilty, this Court is going to 12 13 sentence you as the Court sees fit, not subject to plea 14 negotiations necessarily. Do you understand that 15 clearly? THE DEFENDANT: Yes. 16 17 THE COURT: And what the State is telling you is 18 after today they are going to be seeking life in 19 confinement. Are you clear on that? 20 THE DEFENDANT: Yes. 21 THE COURT: Okay. Anything else we need to discuss out here? 22 MS. BELL: No, sir. 23 24 MR. HOPKINS: Nothing from us. 25 THE COURT: Set it down for jury trial, then.

1	(Hearing concluded.)
2	
3	
4	
5	
6	CERTIFICATE
7	
8	
9	I hereby certify that the foregoing proceedings were
10	taken down, as stated in the caption, and were reduced to
11	typewriting under my direction, and that the foregoing
12	pages comprise a true, correct, and complete transcript
13	of said proceedings.
14	This 18th day of November, 2009.
15	
16	
17	Quide-ldiagne Nove >
18	Judy Yeager Newman, B-446
19	Official Court Reporter Alcovy Judicial Circuit
20	Alcovy budicial circuit
21	FOURT 2
22	
23	
24	
25	8 446 Marketer